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The Merida Initiative: A Flawed Counterdrug Policy?

by Philip K. Abbott

Economic integration and dependency under the North American Free Trade Agreement (NAFTA) successfully paved the way for improved cooperation between the United States and Mexico on a wide range of issues. However, in the aftermath of the September 2001 terrorist attacks, the focus of this relationship suddenly shifted from social-economic prosperity to border security issues as U.S. politics became increasingly more polarized concerning homeland security.¹ As U.S. national security, NAFTA and immigration became more and more intertwined, there was growing concern in Mexico.

While the United States was in a heated debate over immigration reform, a national priority for Mexico, the worst stereotypes that each country held about the other quickly resurfaced when Congress failed to pass the Comprehensive Immigration Reform Act of 2007. This along with the enactment of the Secure Fence Act in October 2006 yielded its own particular variety of prejudices and further touched upon deep rooted anti-Americanism. During President Bush's March 2007 visit to Mexico, President Calderon reiterated that a 700-mile fence along the U.S.-Mexico border only served to strain relations, asserting that job-creation and increased investment in Mexico would be more effective in reducing illegal migration from Mexico than a border fence.²

Immigration reform and the United States' growing fear about protecting its border from further terrorist attacks notwithstanding, increasing drug-related violence primarily along the 2,000-mile U.S.-Mexican border emerged as a real national security threat for Mexico. President Calderon announced that combating these criminal organizations would be a top priority for his administration. But given the complexity of this transnational threat, President Calderon called for U.S. assistance in combating drug and weapons trafficking.³ Despite displaying an unprecedented willingness to increase narcotics cooperation with the United States, President Calderon remained adamant that if there was no reduction for demand, it would be very difficult to reduce the supply transiting through Mexico.⁴ He also expressed his growing concern over the seemingly lax gun control laws in the United States and how the steady flow of illegal weapons from the U.S. was actually arming the drug cartels.

Even though obstacles and suspicion in U.S.-Mexican relations continue to persist, a new level of understanding was reached when Congress passed the Merida Initiative as part of the Iraq supplemental in June 2008. Viewed by the Bush administration as a successful legislative action, the three-year, \$1.4 billion security assistance program to help Mexico, Central America,

¹ Kurt Campbell and Derek Chollet, "The New Tribalism: Cliques and the Making of U.S. Foreign Policy," *The Washington Quarterly* (Winter 2006-07), 201.

² U.S. Congressional Research Service, *Mexico-U.S. Relations: Issues for Congress*, (Washington, DC: GPO, April 14, 2009), 10.

³ *ibid.*

⁴ Matt Spetalnick and Catherine Bremer, "Bush Reassures Doubtful Mexico on Immigration," *Reuters*, March 13, 2007.

the Dominican Republic, and Haiti to combat drug trafficking and organized crime, would have to address some key domestic issues for the program to be effective.⁵

While many critics perceive the Merida Initiative as following the same failed strategy as Plan Colombia, only on a larger scale, there are actually a number of different dynamics that influenced the decision-making process. Therefore, the aim of this paper is to first provide an overview of both the Mexican and United States national security environment and how the domestic context actually influenced the decision-making process that helped shape the Merida Initiative. Second, the paper will analyze the nature of institutional struggles and the processes leading up to the passage of the Merida Initiative. And finally, the paper will highlight some of the perceived benefits and shortcomings associated with the Merida Initiative.

Mexico's National Security Challenges

Shortly after President Calderon took office in December 2006, drug-related violence had reached the point of a national-level crisis. Press reports indicated that approximately 1,900 Mexicans were killed in cartel-related violence during the first nine months of 2007.⁶ In 2008, an estimated 6,290 Mexicans were killed in drug trafficking violence, an alarming increase from 2007.⁷ Daily press reports describe bleak stories with bloody images from Mexican cities where drug cartels left dead and often decapitated or mutilated bodies for public display.⁸ “The Congressional Research Service notes that Latin America has among the highest homicide rates in the world, the 27.5 homicides per 100,000 people is three times the world average of 8.8 homicides per 100,000 people.”⁹ Violence and brutality of the Mexican drug cartels continued to escalate as they battled over control of a multi-billion dollar narcotics market. American law enforcement officials estimate that up to \$20 billion in bulk cash is flowing from the United States to the Mexican cartels annually, not including all the money sent by wire transfer.¹⁰

The growth and dramatic character of violence in Mexico led some U.S. officials and observers to question the strength of the Mexican state.¹¹ Although vehemently denied by President Calderon, many U.S. journalists were reporting that Mexico was reaching the threshold of a failing state. A claim further echoed by some U.S. senators and border state governors. The 2008 Joint Operating Environment report indicated that there were strong possibilities that Mexico was vulnerable to collapse from the overwhelming strain of drug cartel violence, which was also showing signs of spreading into the United States.¹² Despite the economic downturn in the U.S. and the resulting loss of job opportunities north of the border, anecdotal evidence

⁵ U.S. Congressional Research Service, “*Merida Initiative for Mexico and Central America: Funding and Policy Issues*,” (Washington, D.C., GPO: August 21, 2009), 3.

⁶ U.S. Congressional Research Service, “*Mexican-U.S. Relations: Issues for Congress*,” (Washington, DC: GPO, September 10, 2009), 6.

⁷ “Mexico-U.S.: The Drug War-Dissecting the threat perceived in Washington,” *Latin American Security & Strategic Review*, January 2009.

⁸ Ray Walsler, “*Mexico, Drug Cartels, and the Merida Initiative: A Fight We Cannot Afford to Lose*,” July 23, 2008. <http://heritage.org/research/Latin>.

⁹ U.S. Congressional Research Service, “*Gangs in Central America*,” (Washington, DC: GPO, December 4, 2009), <http://www.fas.org/sgp/crs/row/RL34112.pdf>.

¹⁰ Walsler, “*Mexico, Drug Cartels, and the Merida Initiative: A Fight We Cannot Afford to Lose*.”

¹¹ “Mexico-U.S.: The Drug War-Dissecting the threat perceived in Washington,” *Latin American Security & Strategy Review*, January 2009.

¹² Stratfor Global Intelligence, “Geopolitical Diary: Obama’s Mexico Challenge,” Mexico Security Memo, January 15, 2009, <http://www.stratfor.com>.

suggested that even Mexicans with average income were leaving Mexico for the United States because of the lack of security in their own country.

Facing a daunting outlook, President Calderon made tackling pervasive corruption, especially among the police and law enforcement apparatus a top priority. To demonstrate his commitment to a nation-wide campaign against Mexico's entrenched drug trafficking organizations, President Calderon requested an estimated \$10 billion from his legislature over a three period.¹³ Enjoying a high approval rating to restore public security, President Calderon deployed 45,000 soldiers and thousands of federal police to those Mexican States most affected by drug-related activities.¹⁴ However, by depending on the Mexican military to fight well-armed drug cartels, President Calderon received severe criticism from both domestic and international human rights organizations. But given the present threat and level of corruption among the 400,000-strong Mexican law enforcement and more broadly the judicial institutions, this may have been the only viable option to stabilize Mexican society.¹⁵

Despite the commitment and unprecedented willingness to cooperate with the United States on security-related issues, the Mexican government became increasingly critical of U.S. counternarcotics strategy, contending that Mexico's strong stance against drug trafficking organizations was certain to fail without America's full support. A major source of frustration for President Calderon was the uncontrolled flow of illegal weapons from the United States into Mexico, proclaiming that the illegal trafficking of U.S.-sourced firearms was the number one crime problem affecting Mexican security. With over 6,600 licensed gun dealers setting up shop along the U.S. southwest border, the Mexican drug cartels were guaranteed an uninterrupted supply of weapons.¹⁶ The U.S. Bureau of Alcohol Tobacco and Firearms (ATF) reported that 90-percent of the arms interdicted in Mexico came from the United States.¹⁷ In addition to reducing arm trafficking to Mexico, the Calderon administration also stressed halting bulk cash into Mexico from drug earnings and reducing America's demand for illicit drugs as imperative.

U.S. Domestic Context and National Security

As the largest drug-dependent country in the world, U.S. citizens consume 350 metric tons of cocaine a year and have an insatiable appetite for methamphetamines and marijuana. This makes the U.S. a very lucrative market for both source and transit countries like Colombia and Mexico. In fact, there is no school or congressional district in the United States not affected by drugs. With an estimated one in four families in America disrupted by substance abuse,¹⁸ roughly eighty percent of all persons in U.S. prisons have committed a drug-related crime.¹⁹ Furthermore,

¹³ "On the Trail of the Traffickers," *The Economist*, March 7, 2009.

¹⁴ Steve Fainarua and William Booth, "As Mexico Battles Cartels, the Army Becomes the Law," *Washington Post*, April 2, 2009.

¹⁵ Vanda Felgbab-Brown, "The Violent Drug Market in Mexico and Lessons from Colombia," *Foreign Policy at Brookings*, Policy Paper No. 12, March 2009, 19.

¹⁶ Hearing before the Subcommittee on Western Hemisphere of the Committee on Foreign Affairs, House of Representatives, 110th Congress, Second Session, Serial No. 110-170, (Washington, DC: GPO, 2008), 3.

¹⁷ Jess Ford, United States Government Accountability Office, *Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, June 19, 2009, 3.

¹⁸ Steve Hendrix, "The Merida Initiative for Mexico and Central America: The New Paradigm for Security Cooperation, *Attacking Organized Crime, Corruption and Violence*," *Loyola University Chicago International Law Review*, Vol. 5, Issue 2, 107.

¹⁹ *ibid.*

drugs have a \$200 billion negative effect on the U.S. economy.²⁰ Yet, controlling drug demand in the U.S. does not resonate with American lawmakers as an explicit domestic policy priority.

While Colombia drug cartels control the worldwide supply of cocaine, Mexican drug trafficking organizations have emerged as leading distributors of wholesale drugs. As they expand their operations throughout the U.S., partnering with transnational gangs has become a growing trend. “The U.S. Department of Justice estimates that there are some 30,000 gangs with approximately 800,000 members operating in the United States, all associated in one form or another in the illicit drug world.”²¹ Increasingly, drug-related crime is penetrating deeper into the United States.²² Murder and kidnapping of U.S. residents caught up in the drug trade is becoming a concern, particularly for those states sharing a border with Mexico. “The number of kidnappings in Phoenix, Arizona tripled from 48 in 2004 to 241 in 2008.”²³ Illegal immigrants have also been affected by the illicit drug trade, often exploited by coyotes (people smugglers) to carry drugs as payment for their passage to America.

Another concern for Mexican officials is the flow of illegal weapons, of which the U.S. is the number one source.²⁴ According to the U.S. State Department, Mexican authorities seized nearly 40,000 illegal firearms in 2008, around 90-percent of which originated from U.S. gun dealers.²⁵ Assault weapons are the most commonly purchased, whereby gun traffickers routinely buy multiple guns in one transaction and subsequently smuggle them into Mexico.²⁶ A comprehensive analysis of firearms by ATF, traced data that show Texas, Arizona and California as the three primary source States for firearms.²⁷ In contrast, gun sales in Mexico are strictly regulated. This growing nexus between powerful drug cartels, transnational gangs, and available weapons seriously threatens regional stability and poses a direct threat to the United States. Yet, American legislators appear slow to connect the dots.

While gun control advocates strongly suggest that the U.S. government could further expand its efforts against gun trafficking to Mexico, the National Rifle Association (NRA) is quick to cite 89 percent of Americans who vehemently advocate individual rights to own firearms. Just as lobbying is protected by the First Amendment to the U.S. constitution, the right to own bear arms is protected by the Second Amendment. So while the Brady Bill Campaign was calling for Congress to reinstate the 1994 assault weapons ban and pass legislation to close private sale loophole which allows unlicensed persons to sell guns without background checks at gun shows, the most powerful interest group in America succeeded in blocking this effort.

²⁰ See Common Sense for Drug War Policy, “Drug War Facts,” Dec. 31, 2007, <http://www.drugwarfacts.org/prisdrug.htm>.

²¹ U.S. Agency for International Development, Central America and Mexico Gang Assessment, (April 2006), http://www.usaid.gov/gt/docs/gangs_assessment.pdf.

²² Vanda Felbab-Brown, “The Violent Drug Market in Mexico and Lessons from Colombia,” Foreign Policy at Brookings, Policy Paper No. 12, March 2009, 2.

²³ Randal Archibold, “Wave of Drug Violence is Creeping into Arizona from Mexico, Officials Say,” *New York Times*, February 24, 2009, A12

²⁴ Stratfor Global Intelligence, “Geopolitical Diary: Obama’s Mexico Challenge,” Mexico Security Memo, January 15, 2009, <http://www.stratfor.com>.

²⁵ Jess Ford, United States Government Accountability Office, Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges, June 19, 2009, 3.

²⁶ “Washington Watch,” *Latin New Daily*, August 14, 2008; and Randal Archibold, “2-Nation Border Conference Discusses Gun Trafficking,” *New York Times*, August 16, 2008.

²⁷ Hearing Before the Subcommittee on the Western Hemisphere, 110th Congress, Second Edition, Serial No. 110-170, “U.S. Obligation Under the Merida Initiative,” February 7, 2008, 5.

Having a polarizing affect on American society, in 2007 “more than 200 U.S. mayors urged Congress to stop pandering to the gun lobby and repeal the contentious Tiahrt Amendment,” named after Rep. Todd Tiahrt (R-Kansas).²⁸ Attached to the law enforcement funding bill every year since 2003, the amendment imposes confidentiality limits on firearms trace data compiled by ATF. According to New York Mayor Bloomberg, the Tiahrt Amendment prevents police officers from tracking the illegal gun trade and locking up those who engage in it.²⁹ Many believe this amendment acts in contradiction to the 9/11 Commission, which emphasized the importance of information sharing among all agencies at the federal, state, and local levels.

In addition to powerful domestic special interest groups like the NRA, foreign governments are also spending millions of dollars lobbying U.S. decision-makers. Mexico quickly learned that the place to concentrate their foreign affairs-related attention is not necessarily the State Department, but the powerful legislative branch. They have also effectively mobilized their diaspora for that same purpose, which proved to be an influential mechanism during the Merida Initiative negotiations.³⁰

Passage of the Merida Initiative

The Merida Initiative got off to a rocky start in Congress from the very beginning. Many lawmakers were understandably uneasy with what they perceived to be a secret agreement between the Bush administration and the Mexican government; “calling for hundreds of millions of U.S. taxpayer dollars, and then demanding a blank check from Congress.”³¹ While U.S. lawmakers commended President Calderon and President Bush for taking the long overdue steps to improve bilateral relations, they were nevertheless disappointed for not having a more significant role early on in the decision-making process. Several congressmen complained they first learned about the Merida Initiative through the local media. The level of frustration reportedly grew when the Bush administration refused to consult with inquiring congressman during the planning phase, even after several attempts.³²

Given the politics of a post-9/11 world, the 109th Congress arguably showed excessive deference toward President Bush regarding national security-related issues.³³ This, however, changed during the 110th Congress when a new democratic majority was ushered in with the 2006 election. With renewed vigor, the various congressional committees took a more active role in authorizing and appropriating money that the administration intended to spend on national security-related programs like the Merida Initiative. Lawmakers were not about to pass up the opportunity to shape the national security agenda. After all, a crucial debate over a foreign assistance package for Mexico could prove useful for future partisan political advantages,

²⁸ Claudia Parsons, *Reuters*, U.S. Edition, “Mayors Press Congress over Gun Trace Law,” Tuesday, July 10, 2007, <http://www.reuters.com/article/idUSN>.

²⁹ *ibid.*

³⁰ Samuel Huntington, *Who Are We? The Challenges to America's National Identity*, (New York: Simon & Schuster 2004), 287.

³¹ Statement of Senator Patrick Leahy, Congressional Record on the Merida Initiative, May 21, 2008, <http://leahy.senate.gov/press/200805/052108d.html>.

³² Andrew Selee, “Overview of the Merida Initiative,” *Woodrow Wilson International Center for Scholars*, May 2008, 4.

³³ The National War College, *The Domestic Context and U.S. National Security Decision-Making*, Block B, Topic 6, 19-20.

“especially during an election cycle when the overall republican-democratic divide tends to obscure issues.”³⁴

The Merida Initiative had the potential to go a long way towards reaffirming U.S.-Mexican security cooperation while creating incentives for addressing long-term economic and political challenges. But some members of Congress expressed great reservations about approving the initiative at all, and suggested cutting the level of funding proposed. Others became more vocal in accusing President Bush of taking an overly assertive approach to presidential powers under article two of the constitution, claiming that the executive branch had no constitutional authority to dictate terms to the other branches of government.

Party politics notwithstanding, since the Merida Initiative was already negotiated as part of a broader strategy of cooperation with Mexico, Congress was especially careful how it managed the message it would send about U.S. willingness to cooperate with its strategically important neighbor to the south.³⁵ No one denied the severity of the problem and as Rep. Eliot Engel (D-New York) said during his opening remarks at the subcommittee hearing on the Western Hemisphere, “as a country that consumes most of the drugs coming from Mexico and sends most of the guns to Mexico, the United States has a moral obligation to help.”³⁶

Nonetheless, still wary about the billions of U.S. tax dollars spent on Plan Colombia since its inception in 2000, Congress was intent on avoiding the same pitfalls associated with what was largely perceived as a failed counter drug strategy. As lawmakers were getting pressure from various lobbyists from both sides of the issue, including a strong Mexican lobby, the challenge was how to draft legislation that would include a system to better measure long-term success. Given the sensitivity of the U.S.-Mexican relationship and the recent spirit of cooperation, traditional forms of conditionality typically used with U.S.-funded security assistance programs would not be well received by the Mexican government. Therefore, the measures of effectiveness had to go through several versions before finally being approved by both houses, as legislators went back and forth with the Bush administration, President Calderon’s government and myriad lobbyist groups.

One of the more publicly vocal interest groups during the entire decision-making process came from human rights organizations. Both U.S. and Mexican human rights groups joined to lobby their concerns and to propose recommendations aimed at pushing the aid package away from the Mexican military, a force they contend was linked to serious and ongoing human rights abuses. Their aim was to focus on measures that would safeguard human rights, strengthen civilian institutions, and curb domestic drug demand.³⁷ Members of the Mexican Congress, however, raised serious objections to some of the conditions requiring monitoring of human rights violations, viewing these conditions as an infringement and violation of Mexican sovereignty.³⁸ Moreover, the Mexican government threatened to walk away from the aid package if the U.S. State Department retained the authority to “certify” that Mexico met reasonable human rights conditions intended to reduce impunity.

³⁴ Kurt Campbell and Derek Chollet, “The New Tribalism: Cliques and the Making of U.S. Foreign Policy,” *The Washington Quarterly*, (Winter 2006-07), 195.

³⁵ *ibid.*

³⁶ Hearing before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs, House of Representatives, 110th Congress, Second Session, Serial No. 110-170, February 7, 2008.

³⁷ Jenny Johnson, “Mexico and the Merida Initiative: Surveying the Risk Ahead,” *Latin American Working Group*, November 14, 2008, <http://lawg.nonprofitsoapbox.com/index.php?option>.

³⁸ *ibid.*

Although considerably softer language compared to earlier House versions, the Merida Initiative included some human rights conditions. But Mexican authorities seemed happier with the final wording of the security assistance package, which contained the phrase “in accordance with Mexican and international law.”³⁹ Notwithstanding this perceived compromise, unrelenting pressure by both U.S. and Mexican human rights lobbyist managed to help reduce proposed aid to Mexico’s military, where the U.S. Congress made fifteen percent of the funding allocation through the Foreign Military Financing (FMF) program contingent upon human rights conditions.

As the debate centered on what type of assistance should be extended to Mexico, the Bush administration favored security-related assistance aimed at supply-side reduction, whereas the majority in Congress sought to balance traditional security assistance with more soft-side rule of law, human rights, and development assistance programs. While several lawmakers criticized the continued support of combating the supply of drugs rather than curbing demand as President Calderon suggested, the final aid package differed very little in content and conception from the original version presented by President Bush on October 22, 2007.

One significant change, however, that Congress made to the Bush administration’s appropriation request was to fund part of the assistance through the FMF program. Although the administration requested all funding for the Merida Initiative be designated for the International Narcotics Control and Law Enforcement (INCLE account, administered by the Department of State’s Bureau of International Narcotics and Law Enforcement Affairs (INL), Congress decided to appropriate the assistance within the INCLE, FMF, and Economic Support Fund (ESF) accounts. Concerned about the corruption within the Mexican government, Congress also stipulated that none of the funds could be used for budget support or as cash payment to Mexico.⁴⁰

Without objection, the Senate approved the compromise House version of H.R. 2646, and the bill was then signed into law under P.L. 110-252 by President Bush on June 30, 2008. With strong bipartisan support in Congress, \$465 million in funding was appropriated in the FY 2008 Supplemental Appropriation Act. Congress appropriated an additional \$300 million in the FY 2009 Foreign Operations Appropriations Act and fulfilled the remaining funding for a total of \$1.4 billion committed to the Merida Initiative in FY 2010.⁴¹

Although considered a success by the Bush administration, critics of the bill argue that the initiative contained many strategic flaws. In a rush to tag the Merida Initiative onto the Iraq supplemental and demonstrate support for Mexico to Latino voters, many claim that legislators paid very little attention to the specifics of the bill.

Benefits and Shortcomings of the Merida Initiative

While both democrats and republicans have long urged for closer relations with Mexico whether it be trade and investment, immigration, weapons smuggling or drug trafficking, U.S. policy toward Mexico has been historically far more one of neglect than of mutual respect and

³⁹ *ibid.*

⁴⁰ U.S. Congressional Research Service, *Mexico-U.S. Relations: Issues for Congress*, (Washington, DC, GPO: April 14, 2009), 17.

⁴¹ Subcommittee on the Western Hemisphere of the House Committee on Foreign Affairs, *Hearing on Mexico and the Merida Initiative*, March 18, 2009.

cooperation.⁴² Given America's strategic dependence on Mexican oil and its importance as the United States' third largest trading partner, improved relations are long overdue.

The Merida Initiative created a unique opportunity for the United States to reshape security cooperation with Mexico and expand the dialogue between mutually-dependent neighbors on several key strategic priorities like immigration reform and economic integration. Yet, the Merida Initiative departed from the mistaken pretext that all drug-related problems are in Mexico and that by simply sending money, helicopters and throwing up a big fence along the southern border, will keep America safe from the narco-trafficking scourge. As Rep. Henry Cuellar (D-Texas) remarked in support of the Merida Initiative; "if we're going to be successful in cutting out this cancer [in Mexico], we're going to have to invest a large amount."⁴³ Rep. Cuellar's statement is a clear sign of the American mindset and further reveals how some lawmakers view drug trafficking.

But we have learned from Plan Colombia that supply-side interdiction, enforcement, and prosecution does not stop illegal cross border drug trafficking. You're just nibbling at the symptoms and never addressing the root causes. Studies have shown that treatment and rehabilitation are twenty times more effective in decreasing the illegal drug trade.⁴⁴ Yet, the Merida Initiative contains not one penny for education, treatment or rehabilitation in either country. In fact, President Bush's 2009 budget significantly slashed funding for domestic drug treatment and rehabilitation programs by another \$73 million.⁴⁵ So why are we cutting demand-side spending at a time when we promised the Mexican government we would intensify U.S. efforts on demand-side reduction?

Several members of Congress have heralded the Merida Initiative as an unprecedented step toward improving relations with Mexico, arguing that "the United States government implicitly recognizes U.S. responsibility for the transnational drug trade by offering the aid package to Mexico."⁴⁶ Other lawmakers, however, are more critical of the plan for placing the onus of the drug war on Mexico, claiming there are no measures being taken to reduce U.S. drug consumption and the illegal flow of arms to Mexico. Moreover, there are those who argue that the bulk of the foreign assistance budget will never make it to Mexico because it has been earmarked for the purchase of military helicopters, surveillance planes, intelligence equipment, and training. This further adds to the growing fear that the Merida Initiative could well end up being another defense company pork barrel, where most of the budget goes directly to U.S. private sector defense contractors.

Furthermore, in an effort to improve border security, the Mexican government lobbied hard for a guest worker program to normalize the status of most illegal immigrants in the United States, but no action was taken in the 110th Congress. While some legislators see the merits of a policy that recognizes immigration as a result of economic integration aimed at job generation and regulating migratory flows to enhance border security, others view immigration as a

⁴² Statement by Senator Patrick Leahy, Congressional Record on the Merida Initiative, May 21, 2008.

⁴³ Wesley Fryer, "U.S. Drug Control in the Americas: Time for Change," August 30, 1993, <http://www.wesfryer.com/drugwar.html>.

⁴⁴ Rydell & Evering, "Controlling Cocaine," Prepared for the Office of National Drug Control Policy and the United States Army, Santa Monica, Rand Corporation Study 1994, <http://www.mindfully.org/Reform/Cocaine-Supply-Demand-1994.htm>.

⁴⁵ Hearing before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs, House of Representatives, 110th Congress, Second Session, Serial No. 110-170, February 7, 2008.

⁴⁶ Laura Carlsen, Americas Policy Program Special Report, A Primer on Plan Mexico, May 5, 2008, 11.

Mexican problem that can easily be solved by draconian security measures like putting up a 700-mile fence along the U.S.-Mexican border.

Whether its drugs, guns, or people, the problem with our counter illicit trafficking policies are that U.S. lawmakers are seemingly confined to the status quo of using the same procedures, but the cancer continues to spread because its cause going untreated.⁴⁷

Conclusion

As Dean Acheson proclaimed in 1947, “domestic policy is a fundamental limitation on the formulation of foreign policy, you must keep that in mind or your foreign policy is going to be frustrated.”⁴⁸ While shaping his national security agenda, President Bush discovered that certain events and powerful stakeholders’ preferences also impacted the decision-making process behind national security policy. The Merida Initiative is testimony to this notion, whereby U.S. counterdrug policy is designed to influence the international security environment, but its formulation remains deeply rooted in the domestic context.⁴⁹

Since 9/11 President Bush was relatively successful in invoking “inherent executive powers” by taking full advantage of a seemingly friendly Congress and the power vacuum caused by the fear of global terrorism. This began to change, however, during the 110th Congress when a newly elected democratic majority in each chamber decided to reassert legislative powers and challenge the executive branch. Lawmakers were not about to pass up the opportunity to shape the national security agenda and engage in spirited political debate over a foreign assistance package for Mexico.

While it is too soon to judge the overall effectiveness of the Merida Initiative, I think it is safe to say that no one in the Bush administration or the 110th Congress was under the illusion that a \$1.4 billion program for Mexico, Central America, the Dominican Republic, and Haiti would solve the pervasive criminal activity associated with drug trafficking within the stated three year timeframe.⁵⁰ As expressed by Rep. Gabriella Giffords (D-Arizona) during the Merida Initiative hearings before the Subcommittee on the Western Hemisphere, “I am really concerned that we are missing the big picture when it comes to actually being able to fund projects that actually work.”⁵¹

Thus, congressional debate about how to address the violent drug trade between the United States and Mexico conflates three distinct policy issues-drug demand reduction, arms control legislation, and immigration reform. Although the first issue appears quite simple to solve, America’s mindset and its fixation with a supply-side model to curb drug trafficking is a precedent lawmakers are not willing to challenge. I equate this to an arthritic toe; it’s a condition

⁴⁷ Laurie Freeman, “Déjà vu: Drug Policy on the U.S.-Mexico Border, Foreign Affairs, (January-March 2008).

⁴⁸ Dean Acheson, “Formulation of Policy in the United States,” Presented at the National war College, (Washington, DC, December 16, 1947), 17.

⁴⁹ Steve Hendrix, “The Merida Initiative for Mexico and Central America: The New Paradigm for Security Cooperation, Attacking Organized Crime, Corruption and Violence,” Loyola University Chicago International Law Review, Volume 5, Issue 2 123.

⁵⁰ Steven Hendrix, “*The Merida Initiative for Mexico and Central America: The new Paradigm for Security Cooperation, Attacking Organized Crime, Corruption and Violence,*” Loyola University Chicago International Law Review, Volume 5, Issue 2, 123.

⁵¹ U.S. Obligation Under the Merida Initiative, Hearing Before the Subcommittee on the Western Hemisphere, The Committee on Foreign Affairs, House of Representative, 110th Congress, Second Session, February 7, 2008, Serial No. 110-170, <http://www.foreignaffairs.house.gov/>, 62.

you simply learn to live with. The second issue is difficult. Given the complexity of domestic gun control politics and the inherent challenges in monitoring arm sales; the Mexican government should not rely on U.S. lawmakers passing legislation to stop the flow of arms to Mexico any time soon. Finally, although President Obama appears committed to comprehensive immigration reform, as long as immigration remains linked to national security and not economic integration, it is doubtful whether comprehensive immigration legislation will be seriously considered in the 112th Congress.

Consequently, being mindful of the limitations the domestic context has on U.S. foreign policy formulation, lawmakers appear complacent as they trudge along a path of mediocrity. The seemingly flawed counter drug policy may be best illustrated in the Merida Initiative, where during a 3-year period U.S. tax payers will spend \$1.4 billion and Mexican tax payers will spend approximately \$10 billion just to ease the mental state of living with an arthritic condition.

Colonel Philip K. Abbott, U.S. Army, is currently the Chief, Americas Division on the Joint Staff, J5 Strategic Plans and Policy Directorate. He received a B.A. from Norwich University, an M.A. from Kansas University, and an M.S. from the National Defense University. He served in various Command & Staff positions in the United States and Europe and worked extensively throughout Latin America as a Foreign Area Officer.

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